

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKEXCALIBUR LIMITED PARTNERSHIP and
WHALEHAVEN CAPITAL FUND LTD.,

X : Civ. No. 07 CV 3434 (GBD)

Plaintiffs,

-against-

EARTH BIOFUELS, INC.,

Defendant.

JOINT STIPULATION OF
DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, all parties hereto stipulate to the dismissal of all claims in this action with prejudice and without costs, all parties hereby waiving all rights of appeal.

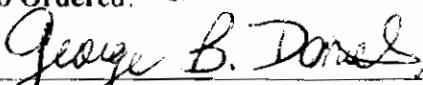
Dated: November 29, 2007

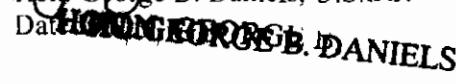
Respectfully submitted,

HERRICK, FEINSTEIN LLP

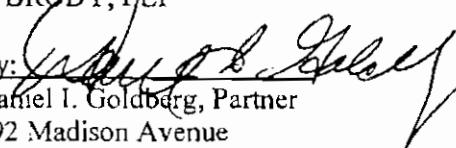
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*Attorneys for Excalibur Limited Partnership and
Whalehaven Capital Fund Ltd.*

So Ordered: 

Hon. George B. Daniels, U.S.D.J.
Date: 

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